
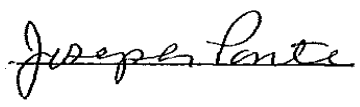


POLICY TITLE: DISCIPLINARY SEGREGATION STATUS POLICY NUMBER: 15.2 CHAPTER 15: SPECIAL MANAGEMENT PRISONERS		PAGE <u>1</u> OF <u>10</u>
 STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII	
EFFECTIVE DATE: February 1, 2002	LATEST REVISION: June 28, 2013	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Sections 1403 and 3032.

II. APPLICABILITY

All Departmental Adult Facilities

III. POLICY

The Department of Corrections recognizes that some prisoners in its adult facilities may need to be housed separately for disciplinary reasons, including maintenance of institutional order. Prisoners are placed on disciplinary segregation status after a due process hearing to determine if they meet the criteria for the unit. These prisoners are provided with property, program and activity access, and treatment services, as appropriate for the Department's disciplinary segregation units.

Program opportunities and treatment services available to prisoners placed in special management units for disciplinary reasons are designed to ensure consistency with legal requirements, professional standards, and Departmental policy. Staff assigned to special management units shall receive training appropriate for their duties and responsibilities. Documentation is crucial to the Department's expectation of accountability for staff actions and prisoner behavior adjustment within special management units. Control and orderly operations within special management units are maintained by informing prisoners of their responsibilities and by ensuring proactive staff responses to events that have the potential of jeopardizing individual safety or institutional security. The Department will not tolerate corporal punishment in any form against prisoners in its custody and care.

Each Chief Administrative Officer shall establish practices to supervise and evaluate the performance of all staff who work with prisoners on disciplinary segregation status on a regular basis and develop criteria for rotation of those staff as necessary.

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V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Placement Decisions

1. Prisoners may be placed on disciplinary segregation status only by a Hearing Officer or Hearing Committee after having been found guilty of prisoner disciplinary rules in accordance with due process requirements contained in the prisoner disciplinary procedures and in 34-A M.R.S.A. §3032.
2. Disciplinary segregation status may not be implemented until the Chief Administrative Officer, or designee, has reviewed the findings of the Hearing Officer/Committee. If the Chief Administrative Officer, or designee, upholds the disciplinary segregation sanction, the prisoner and Shift Commander shall be promptly notified. The Shift Commander shall order the prisoner's placement on disciplinary segregation status.

Procedure B: Orientation to Disciplinary Segregation Status

1. Staff shall orient the prisoner to disciplinary segregation status and document the orientation.

Procedure C: Medical Visits and Mental Health Evaluations

1. Prior to a prisoner's placement on disciplinary segregation status, the Unit Manager, or designee, shall ensure that appropriate health care staff evaluates the prisoner to determine if there is any health care condition that might contraindicate the placement, or that requires monitoring or further assessment by health care staff. If there is any health care condition that might contraindicate the placement, the Unit Manager, or designee, shall consult with the facility Health Services

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Administrator, or designee, to determine whether the identified problem(s) can be resolved. If not, the Unit Manager, or designee, shall notify the Chief Administrative Officer, or designee, who shall notify the Commissioner, or designee, for a decision regarding how to proceed.

2. When a prisoner is placed on disciplinary segregation status, facility medical staff shall be immediately notified and shall respond as set out in with Policy 18.5, Health Care Services, Procedure L. The Chief Administrative Officer, or designee, shall cause a medical staff member to visit each prisoner on disciplinary segregation status daily to ensure that prisoners have access to the health care system. Daily visits by the medical staff member shall be announced and recorded.
3. A licensed mental health staff person must personally interview and prepare a written report on any prisoner who remains on disciplinary segregation status for more than thirty (30) days. If confinement continues for an extended period, a mental health assessment shall be made every ninety (90) days and, if determined necessary by the facility psychiatrist, shall be made more frequently. The report and summaries of any assessments shall be made available to the Unit Manager or Shift Commander as appropriate. The report and summaries of any assessments shall be made available to the Unit Management team (or appointed committee) prior to the prisoner's reviews so that this information can be taken into consideration during of the reviews.

Procedure D: Conditions of Disciplinary Segregation Status

1. Prisoners on disciplinary segregation status shall be provided living conditions that approximate those of general population prisoners regarding cell size, lighting, heat, and ventilation. Except in emergency situations, prisoners on disciplinary segregation status shall be single celled. Unless an exception is made in accordance with this procedure, the following shall apply to prisoners on disciplinary segregation status:
 - a. There shall be no commissary items (except items needed for correspondence) allowed. There shall be no personal property permitted in the cells except as allowed in this procedure.
 - b. Only one (1) telephone call within twenty-four (24) hours of placement on disciplinary segregation status is permitted (excluding emergency and legal calls). If a prisoner is on disciplinary segregation status for longer than sixty (60) days, one (1) telephone call per week shall be permitted for the remainder of his/her time on disciplinary segregation status.
 - c. Regular visits of only one (1) per week shall be allowed under the appropriate security procedures as per unit post orders. All regular and professional visits shall be non-contact. If services are permitted to be provided by volunteers, they shall be provided on a non-contact basis.

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- d. Personal legal materials, written religious materials, correspondence and writing materials shall be permitted that can be contained in the approved storage box/container. Any additional legal materials shall be stored and made available within a reasonable period of time, upon written request, on an even exchange basis.
- e. Incoming mail is permitted as per facility mail procedures
- f. Prisoners shall be permitted access to the law library by requesting legal materials in accordance with facility procedures. Leisure reading materials may be requested on a weekly basis from the library in accordance with facility procedures. All materials shall be exchanged on a one-for-one basis unless otherwise permitted by the Unit Management team.
- g. Medical items shall be permitted as determined necessary by medical staff. If an item might create a risk to safety or security, the Shift Commander or higher supervisory staff shall consult with medical staff about other alternatives.
- h. Prisoners on disciplinary segregation status shall be permitted personal religious items that prisoners on general population status are permitted to keep in their cells, unless an item creates a risk to safety or security.
- i. Out-of-cell exercise shall be one (1) hour per day, five (5) days per week, outdoors (weather permitting), unless security or safety considerations dictate otherwise.
- j. Prisoners shall have the opportunity to shower and shave at least three (3) times per week.
- k. Prisoners shall be permitted the opportunity to have at least three (3) clothing exchanges per week. Access to linen exchange shall be the same as for general population. Access to barber and laundry services shall be in accordance with post orders.
- l. Disciplinary segregation status prisoners shall be provided with a uniform and footwear as designated for that unit/facility. Outerwear for exercise shall be issued as needed.
- m. Prisoners shall be provided access to the following personal hygiene items:
 - 1. Toothbrush
 - 2. Toothpaste
 - 3. Comb or brush
 - 4. Soap
 - 5. Deodorant

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6. Feminine hygiene items, as gender appropriate
7. Toilet paper
8. Shaving implements
9. Drinking cup
10. Towel

n. Prisoners shall be provided the following linens:

1. 2 Bed Sheets
2. 1 Pillow Case
3. 2 Blankets
4. 1 Pillow
5. 1 Mattress

o. Prisoners shall be provided the following clothing:

1. Pants and shirt or one-piece suit
2. 1 complete set of underwear, appropriate by gender
3. 1 pair of socks
4. 1 set of footwear
5. Access to a jacket or coat, hat, and gloves for outdoor exercise or transport, when seasonally necessary.

p. Prisoners on disciplinary segregation status for more than sixty (60) days shall have access to programs and services such as educational, social, and religious guidance, provided they can be afforded safely and are administratively feasible.

2. A prisoner on disciplinary segregation status may be placed in an unequipped cell by the Zone Supervisor, or above ranking staff member, provided the Zone Supervisor obtains the approval of the Unit Manager or Shift Commander immediately after the placement. Such action shall only be taken if it is necessary to prevent suicide or other self-injurious acts, to prevent injury to others, to prevent an immediate threat of damage to the cell, its furnishings or equipment or a risk to security. In cases where controlling and limiting access to furnishings or equipment is sufficient to deal with the problem, a prisoner may not be moved to an unequipped cell. In these cases, the furniture and/or equipment shall be removed, disabled, or modified as necessary. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report that is reviewed by the Unit Manager or Shift Commander who shall forward it to the Chief of Security. The restriction shall last only as long as necessary.
3. Prisoners placed on disciplinary segregation status shall receive the same meals as provided to general population prisoners. Alternative meal service shall be on a case-by-case basis, based only on health or safety considerations, shall meet basic nutritional requirements, and shall only occur with the written approval of the Chief Administrative Officer and the physician, physician assistant or nurse

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practitioner. In such a case, the prisoner may be given the same meal in a different form or a different meal of similar nutritional value. When a prisoner is throwing food, or otherwise using food or a food service implement in a manner that is hazardous to self, staff or other prisoners, the staff person making the request for alternative meal service shall complete an incident report in CORIS that is reviewed by the Unit Manager and, if determined appropriate, the Unit Manager, or designee, shall request written approval from the Chief Administrative Officer and the responsible health authority. Approval for a prisoner to receive alternative meal service shall also be recorded in the unit log. The restriction shall last only as long as necessary and shall not exceed seven (7) days.

4. Prisoners placed on disciplinary segregation status shall receive the same medical services as provided to general population prisoners. An exception may be made by the Zone Supervisor, or above ranking staff member, provided the Zone Supervisor obtains the approval of the Unit Manager or Shift Commander immediately after the exception. The exception may be made on a case-by-case basis when a prisoner's behavior indicates a threat to medical or other staff. In such a case, if possible, the provision of medical services shall be modified to ensure the safety of staff. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report that is reviewed by the Unit Manager or Shift Commander who shall forward it to the Chief of Security. The restriction shall last only as long as necessary.
5. Prisoners placed on disciplinary segregation status shall be provided access to exercise, showers, mail, legal and reading materials, basic items needed for personal hygiene, and access to laundry, barber, case management services, and programs and services available to prisoners in the unit. An exception may be made by the Zone Supervisor, or above ranking staff member, provided the Zone Supervisor obtains the approval of the Unit Manager or Shift Commander immediately after the exception. The exception may be made on a case-by-case basis when it is necessary to prevent self-injurious behavior, injury to others, damage to property of others or a risk to security. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report that is reviewed by the Unit Manager or Shift Commander who shall forward it to the Chief of Security. The restriction shall last only as long as necessary.
6. Prisoners on disciplinary segregation status shall not be deprived of clothing or bedding except by the Zone Supervisor, or above ranking staff member, provided the Zone Supervisor obtains the approval of the Unit Manager or Shift Commander immediately after the restriction. Such action shall only be taken if it is necessary to prevent suicide or other self-injurious acts, to prevent injury to others, to prevent an immediate threat of damage to the clothing or bedding or a risk to security. In addition to recording the information in the unit log, the staff person making the request shall complete an Incident Report that is reviewed by the Unit Manager or Shift Commander who shall forward it to the Chief of Security. The restriction shall last only as long as necessary.

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7. At least daily, the senior correctional supervisor, or designee, shall visit the living area where prisoners on disciplinary segregation status are housed.
8. At least weekly, the Chief Administrative Officer, or designee, shall visit the unit/living area where disciplinary segregation status prisoners are housed.
9. Correctional Caseworkers and Correctional Care and Treatment Workers assigned to prisoners in the segregation unit must personally visit each prisoner on disciplinary segregation status on their caseload at least once per week.
10. Prisoners on disciplinary segregation status shall receive visits by program staff upon request.
11. Prisoners on disciplinary segregation status shall be provided the opportunity to receive weekly visits from the facility chaplain to provide one-on-one religious counseling.

Procedure E: Duration on Disciplinary Segregation Status

1. The Chief Administrative Officer, or designee, may at any time suspend some or all disciplinary segregation time that a prisoner has accumulated if the prisoner has demonstrated an extended period of good behavior. The suspension may be revoked in whole or in part by the Chief Administrative Officer, or designee, if the prisoner is found guilty of having committed a new violation at any time.
2. After consultation with appropriate medical or mental health staff, the Chief Administrative Officer, or designee, may at any time suspend some or all disciplinary segregation time that a prisoner has accumulated to the extent necessary to address medical or mental health needs. After consultation with appropriate medical or mental health staff, the suspension may be revoked in whole or in part by the Chief Administrative Officer, or designee, if the prisoner's medical or mental health condition allows.

Procedure F: Release from Disciplinary Segregation Status

1. Once the disciplinary segregation sanction has been served, the prisoner shall be released to the housing unit from where s/he was previously housed unless it has been pre-determined through the administrative segregation process or the reception classification or reclassification process that the prisoner shall be housed in another housing unit.

Procedure G: Security for Disciplinary Segregation Status Prisoners

1. At a minimum, all prisoners on disciplinary segregation status shall be observed in person by a correctional officer at least every thirty (30) minutes on an irregular schedule. Prisoners who are exhibiting violent or mentally unstable or unusual

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behaviors shall receive more frequent observation. Log books shall be maintained in accordance with post orders.

2. Unannounced and irregularly timed searches of disciplinary segregation status prisoners, cells, and all common areas of the unit shall occur consistent with post orders.
3. All prisoners on disciplinary segregation status shall be in restraints and be escorted by trained staff during out of unit movements and transports and at other times in accordance with unit post orders.
4. A prisoner on disciplinary segregation status housed in the Special Management Unit at the Maine State Prison may be restrained using stationary restraints (restraints attached to the floor or a wall) if the use of stationary restraints is approved by the Commissioner during a particular type of activity (e.g., while making a phone call, during group therapy, etc.) provided the stationary restraints are used only for the duration of the activity.

VII. PROFESSIONAL STANDARDS

ACA:

- ACI - 4-4140** Segregation housing units provide living conditions that approximate those of the general inmate population; all exceptions are clearly documented. Segregation cells/rooms permit the inmates assigned to them to converse with and be observed by staff members.
- ACI - 4-4249** When segregation units exist, written policy and procedure govern their operation for the supervision of inmates under administrative segregation, protective custody, and disciplinary detention.
- ACI - 4-4252** Written policy, procedure, and practice provide that an inmate is placed in disciplinary detention for a rule violation only after a hearing by the disciplinary committee or hearing examiner.
- ACI - 4-4255** There is a sanctioning schedule for institutional rule violations. Continuous confinement for more than 30 days requires the review and approval of the warden/superintendent or designee. Inmates held in disciplinary detention for periods exceeding 60 days are provided the same program services and privileges as inmates in administrative segregation and protective custody.
- ACI - 4-4256** Written policy, procedure, and practice provide that a qualified mental health professional personally interviews and prepares a written report on any inmate remaining in segregation for more than thirty days. If confinement continues beyond thirty days, a mental health assessment by a qualified mental health professional is made at least every three months-more frequently if prescribed by the chief medical authority.
- ACI - 4-4257** Written policy, procedure, and practice require that all special management inmates are personally observed by a correctional officer twice per hour, but no more than 40 minutes apart, on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre

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behavior receive more frequent observation; suicidal inmates are under continuing or continuous observation.

- ACI - 4-4258 Written policy, procedure, and practice provide that inmates in segregation receive daily visits from the senior correctional supervisor in charge, daily visits from a qualified health care official (unless medical attention is needed more frequently), and visits from members of the program staff upon request.
- ACI - 4-4259 Written policy and procedure govern the selection criteria, supervision, and rotation of staff who work directly with inmates in segregation on a regular and daily basis.
- ACI - 4-4260 Written policy, procedure, and practice provide that staff operating segregation units maintain a permanent log.
- ACI - 4-4261 Written policy, procedure, and practice provide that all inmates in segregation are provided prescribed medication, clothing that is not degrading, and access to basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury.
- ACI - 4-4262 Written policy, procedure, and practice provide that inmates in segregation have the opportunity to shave and shower at least three times per week.
- ACI - 4-4263 Written policy, procedure, and practice provide that inmates in segregation receive laundry, barbering, and hair care services and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing.
- ACI - 4-4264 Alternative meal service may be provided to an inmate in segregation who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. Alternative meal service is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of the warden/superintendent, or responsible health authority or designee. The substitution period shall not exceed seven days.
- ACI - 4-4265 Written policy, procedure, and practice provide that whenever an inmate in segregation is deprived of any usually authorized item or activity a report of the action is filed in the inmate's case record and forwarded to the chief security officer.
- ACI - 4-4266 Written policy, procedure, and practice provide that inmates in segregation can write and receive letters on the same basis as inmates in the general population.
- ACI - 4-4267 Written policy, procedure, and practice provide that inmates in segregation have opportunities for visitation unless there are substantial reasons for withholding such privileges.
- ACI - 4-4268 Written policy, procedure, and practice provide that inmates in segregation have access to legal materials.
- ACI - 4-4269 Written policy, procedure, and practice provide that inmates in segregation have access to reading materials.

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- ACI - 4-4270** Written policy, procedure, and practice provide that inmates in segregation receive a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.
- ACI - 4-4272** Written policy, procedure, and practice provide that, unless authorized by the warden/superintendent or designee, inmates in disciplinary detention are allowed limited telephone privileges except for calls related specifically to access to the attorney of the record.
- ACI - 4-4276** Written policy, procedure, and practice provide for the right of inmates to have access to an appropriate law library and to paper, typewriters or typing services, and other supplies and services related to legal matters. The law library includes at a minimum relevant and up-to-date constitutional, statutory, and case law materials, applicable court rules, and practice treatises. When an inmate is unable to make meaningful use of the law library on his or her own, the additional assistance necessary for effective access is provided.
- ACI - 4-4400** (MANDATORY) When an offender is transferred to segregation, health care staff will be informed immediately and will provide a screening and review as indicated by the protocols established by the health authority. Unless medical attention is needed more frequently, each offender in segregation receives a daily visit from a qualified health care professional. The visit ensures that offenders have access to the health care system. The presence of a health care provider in segregation is announced and recorded. The frequency of physician visits to segregation units is determined by the health authority.

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